

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

None of the claims are currently being amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-9 remain pending in this application.

Allowable subject matter

Applicant appreciates the indication that claim 9 contains allowable subject matter. Applicant has not amended claim 9 to be in independent form, however, because claim 1, from which claim 9 depends, is believed to be allowable.

Obvious-type double patenting

Claims 1 and 3 stand rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,527,425 ("the '425 patent") in view of U.S. Patent No. 4,680,977 to Conero et al. Claims 2 and 4-8 stand rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,527,425 ("the '425 patent") and Conero et al. and further in view of U.S. Patent No. 6,123,440 to Albo.

Without conceding the propriety of the above double patenting rejections, and in order to further prosecution, a Terminal Disclaimer with respect to the '425 patent is being filed herewith under 37 C.F.R. § 1.321(c). Accordingly, applicant respectfully submits that the obvious-type double patenting rejections have been overcome and respectfully request that the rejection of claims 1-8 be withdrawn.

Since all the applied rejections have been overcome, applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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